

FIRST REGULAR SESSION

SENATE BILL NO. 154

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 16, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0368S.02I

AN ACT

To amend chapter 324, RSMo, by adding thereto seven new sections relating to licensure requirements of music therapists, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto seven new sections, to be known as sections 324.100, 324.102, 324.104, 324.106, 324.108, 324.110, and 324.112, to read as follows:

324.100. As used in sections 324.100 to 324.112, following terms shall mean:

- (1) "Advisory group", the music therapy advisory group;**
- (2) "Board certified music therapist", an individual who has completed the education and clinical training requirement established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or transitioned into board certification, and remains actively certified by the Certification Board for Music Therapists;**
- (3) "Director", the director of the division of professional registration;**
- (4) "Music therapist", a person licensed to practice music therapy under sections 324.100 to 324.112;**
- (5) "Music therapy", the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential interventions, which may include music improvisation, receptive music listening, songwriting, lyric discussion, music and imagery, music performance, learning through music, and movement to music. The**

21 practice of music therapy does not include the diagnosis of any
22 physical, mental, or communication disorder. Music therapy may
23 include:

24 (a) Accepting referrals for music therapy services from medical,
25 developmental, mental health, or education professionals; family
26 members; clients; or caregivers. Before providing music therapy
27 services to a client for a medical, developmental, mental health
28 condition, the licensee shall collaborate, as applicable, with the client's
29 physician, psychologist, or mental health professional to review the
30 client's diagnosis, treatment needs, and treatment plan. During the
31 provision of music therapy services to a client, the licensee shall
32 collaborate, as applicable, with the client's treatment team;

33 (b) Conducting a music therapy assessment of a client to collect
34 systematic, comprehensive, and accurate information necessary to
35 determine the appropriate type of music therapy services to provide for
36 the client;

37 (c) Developing an individualized music therapy treatment plan
38 for the client;

39 (d) Carrying out an individualized music therapy treatment plan
40 that is consistent with any other medical, development, mental health,
41 or educational services being provided to the client;

42 (e) Evaluating the client's response to music therapy and the
43 individualized music therapy treatment plan and suggesting
44 modification, as appropriate;

45 (f) Developing a plan for determining when the provision of
46 music therapy services is no longer needed in collaboration with the
47 client, any physician, or other provider of health care or education of
48 the client, any appropriate member of the family of the client, and any
49 other appropriate person upon whom the client relies for support;

50 (g) Minimizing any barriers so that the client may receive music
51 therapy services in the least restrictive environment; and

52 (h) Collaborating with and educating the client and the family
53 or caregiver of the client or any other appropriate person about the
54 needs of the client that are being addressed in music therapy and the
55 manner in which the music therapy addresses those needs.

324.102. 1. There is hereby established within the division of
2 professional registration the "Music Therapy Advisory Group" which

3 shall consist of five members.

4 2. The director shall appoint all members of the advisory
5 group. The advisory group shall consist of persons familiar with the
6 practice of music therapy to provide the director with expertise and
7 assistance in carrying out his or her duties under sections 324.100 to
8 324.112.

9 3. The director shall appoint members of the advisory group to
10 serve for terms of four years. The director shall appoint three members
11 who practice as music therapists in this state; one member who is a
12 licensed health care provider who is not a music therapist; and one
13 member who is a consumer.

14 4. Members shall serve without compensation.

15 5. Members may serve consecutive terms at the will of the
16 director. Any vacancy shall be filled in the same manner as the regular
17 appointments.

 324.104. 1. The advisory group shall meet at least once per year
2 or as otherwise called by the director.

3 2. The director shall consult with the advisory group prior to
4 setting or changing fees in sections 324.100 to 324.112.

5 3. The advisory group may facilitate the development of
6 materials that the director may utilize to educate the public concerning
7 music therapist licensure, the benefits of music therapy, and utilization
8 of music therapy by individuals and in facilities or institutional
9 settings.

10 4. The advisory group may act as a facilitator of statewide
11 dissemination of information among music therapists, the American
12 Music Therapy Association or any successor organization, the
13 Certification Board for Music Therapists, or any successor
14 organization, and the director.

15 5. The advisory group shall provide analysis of disciplinary
16 actions taken, appeals and denials, or revocation of licenses at least
17 once per year.

18 6. The director shall seek the advise of the advisory group for
19 issues related to music therapy.

 324.106. After January 1, 2017, no person without a license as a
2 music therapist shall use the title "music therapist" or similar title or
3 practice music therapy. Nothing in sections 324.100 to 324.112 shall be

4 construed to prohibit or restrict the practice, services, or activities of
5 the following:

6 (1) Any person licensed, certified, or regulated under the laws of
7 this state in another profession or occupation or personnel supervised
8 by a licensed profession in this state performing work including the use
9 of music incidental to the practice of his or her licensed, certified, or
10 regulated profession or occupation if that person does not represent
11 himself or herself as a music therapist;

12 (2) Any person whose training and national certification attests
13 to the individual's preparation and ability to practice his or her
14 certified profession or occupation if that person does not represent
15 himself or herself as a music therapist;

16 (3) Any student enrolled in an accredited music therapy program
17 where the practice of music therapy is an integral part of a program of
18 study if the student does not represent himself or herself as a music
19 therapist; or

20 (4) Any person who practices music therapy under the
21 supervision of a licensed music therapist if the person does not
22 represent himself or herself as a music therapist.

324.108. 1. The director shall issue a license to an applicant for
2 a music therapy license if such applicant has completed and submitted
3 an application upon a form and in such manner as the director
4 prescribes accompanied by applicable fees and evidence satisfactory to
5 the director that:

6 (1) The applicant is eighteen years of age or older;

7 (2) The applicant holds a bachelor's degree or higher in music
8 therapy or its equivalent from a program approved by the American
9 Music Therapy Association or any successor organization within an
10 accredited college or university;

11 (3) The applicant successfully completes a minimum of one
12 thousand two hundred hours of clinical training with at least one
13 hundred eighty hours in pre-internship experiences and at least nine
14 hundred hours in internship experiences, provided that the internship
15 is approved by an academic institution, the American Music Therapy
16 Association or any successor organization, or both;

17 (4) The applicant is in good standing based on a review of the
18 applicant's music therapy licensure history in other jurisdictions

19 including a review of any alleged misconduct or neglect in the practice
20 of music therapy on the part of the applicant; and

21 (5) The applicant provides proof of passing the examination for
22 board certification offered by the Certification Board for Music
23 Therapists or any successor organization or provides proof of being
24 transitioned into board certification and provides proof that the
25 applicant is currently a board certified music therapist.

26 2. The director shall issue a license to an applicant for a music
27 therapy license when such applicant has completed and submitted an
28 application upon a form and in such manner as the director prescribes
29 accompanied by applicable fees and evidence satisfactory to the
30 director that the applicant is licensed and in good standing as a music
31 therapist in another jurisdiction where the qualifications required are
32 equal to or greater than those required in sections 324.100 to 324.112 at
33 the date of the application.

34 3. Until January 1, 2020, the director shall waive the examination
35 requirement for an applicant who is:

36 (1) A board certified music therapist; or

37 (2) Designated as a registered music therapist, certified music
38 therapist, or advanced certified music therapist and in good standing
39 with the National Music Therapy Registry.

324.110. 1. Every license issued under sections 324.100 to 324.112
2 shall be renewed biennially. A license shall be renewed upon payment
3 of a renewal fee if the applicant is not in violation of any of the terms
4 of sections 324.100 to 324.112 at the time of application for
5 renewal. The following shall also be required for license renewal:

6 (1) Proof of maintenance of the applicant's status as a board
7 certified music therapist; and

8 (2) Proof of completion of a minimum of forty hours of
9 continuing education in a program approved by the Certification Board
10 for Music Therapists or any successor organization and any other
11 continuing education requirements established by the director.

12 2. A licensee shall inform the director of any changes to his or
13 her address. Each licensee shall be responsible for timely renewal of
14 his or her license.

15 3. Failure to renew a license shall result in forfeiture of the
16 license. Licenses that have been forfeited may be restored within one

17 year of the expiration date upon payment of renewal and restoration
18 fees. Failure to restore a forfeited license within one year of the date
19 of its expiration shall result in the automatic termination of the license
20 and the director may require the individual to reapply for licensure as
21 a new applicant.

22 4. Upon written request of a licensee, the director may place an
23 active license on an inactive status subject to an inactive status fee
24 established by the director. The licensee, upon request and payment
25 of the inactive license fee, may continue on inactive status for a period
26 of up to two years. An inactive license may be reactivated at any time
27 by making a written request to the director and by fulfilling
28 requirements established by the director.

324.112. 1. The director may issue a sanction for any of the
2 following acts:

3 (1) Ineligibility for licensure including but not limited to
4 falsification of information submitted for licensure or failure to
5 maintain status as a board certified music therapist;

6 (2) Failure to pay fees when due;

7 (3) Failure to provide requested information in a timely manner;

8 (4) Conviction of a felony;

9 (5) Conviction of any crime that reflects an inability to practice
10 music therapy with due regard for the health and safety of clients and
11 patients or with due regard for the truth in filing claims with Medicare,
12 MO HealthNet, or any third party payor;

13 (6) Inability or failure to practice music therapy with reasonable
14 skill and consistent with the welfare of clients and patients including
15 but not limited to negligence in the practice of music therapy,
16 intoxication, incapacity, or abuse of or engaging in sexual contact with
17 a client or patient; or

18 (7) Disciplinary action by another jurisdiction.

19 2. The director is authorized to conduct investigations into
20 allegations of conduct described in this section.

21 3. The director may impose one or more of the following
22 sanctions for a violation of sections 324.100 to 324.112:

23 (1) Suspension;

24 (2) Revocation;

25 (3) Denial;

- 26 **(4) Refusal to renew a license;**
- 27 **(5) Probation with conditions;**
- 28 **(6) Reprimand; or**
- 29 **(7) A fine of not less than one hundred dollars nor more than one**
- 30 **thousand dollars for each violation.**

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